

FILED

JUL 09 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

Clerk, U.S District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,)	CR 10-26-GF-DLC-RKS-01
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JARED ALBERT WEEKS-COMBS,)	
)	
Defendant.)	
)	

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on June 17, 2013. He found that Defendant 1) violated Standard Condition #2 of his supervised release by failing to report to his probation officer on May 13, 2013; 2) Defendant violated Standard Condition # 7 by testing positive for amphetamines in a drug test on April 19, 2013; 3) Defendant violated Special Condition #1 by failing to participate in substance abuse testing on May 8, 2013; 4) Defendant violated Special Condition #2 by failing to report to chemical dependency treatment sessions on April 10, April 17, and May 15, 2013; 5) Defendant violated Special Condition #7 by failing to participate in mental health evaluation and treatment; and 6) supervised release is

not effective or beneficial for Defendant. Judge Strong recommends that this Court revoke Defendant's supervised release and impose a sentence of 18 months imprisonment at the Sheridan, Oregon facility where he will be provided mental health treatment. No objections have been filed by either party, and Judge Strong's findings and recommendations are therefore reviewed for clear error.

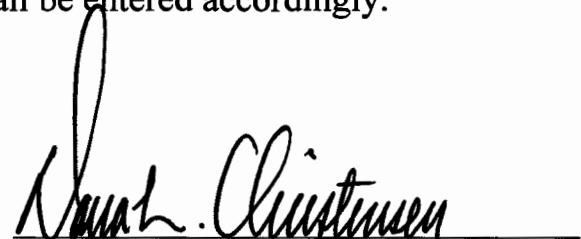
McDonnell Douglas Corp. v. Commodore Bus. Mach, Inc., 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings that Defendant violated Standard Condition #2, Standard Condition #7, Special Condition #1, Special Condition #2, and Special Condition #7 of his supervised release. Defendant admitted to all violations but Violation 5 and allocuted before Judge Strong. The Court finds these admissions sufficient to establish violations warranting revocation of Defendant's supervised release.

The United States Sentencing Guidelines call for 4 to 10 months imprisonment in this case. Judge Strong, however, recommends committing Defendant into custody for 18 months. The Court finds an upward departure from the guidelines sentence is appropriate here because Defendant has consistently breached the Court's trust by violating the conditions of his supervised release as outlined herein.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 57) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 9th day of July, 2013.



Dana L. Christensen, District Judge
United States District Court